



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,237	02/06/2004	Jonathan R. Chittenden	550270.00007	8678
26710	7590	06/08/2005		
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			EXAMINER GIMIE, MAHMOUD	
			ART UNIT 3747	PAPER NUMBER

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SA

Office Action Summary

Application No.

10/774,237

Applicant(s)

CHITTENDEN, JONATHAN R.

Examiner

Mahmoud Gimie

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunelli (US 2003/0235505).

Brunelli discloses a powered apparatus comprising: an internal combustion engine (25) with a housing and a vertical crankshaft (120); a utilitarian device (20) having a body (75) and a drive connector (115) removably coupled to the crankshaft (120) for receiving rotational force from the internal combustion engine; and a support bearing (155) fixedly connected to one of the body and the vertical crankshaft, as taught in paragraph [0021], and releasably engaging the other of the body and the vertical crankshaft, wherein the utilitarian device is coupled through the support bearing to the internal combustion engine, see alternative design, page 3 and paragraph [0025], also see figures 1-6.

Brunelli does not the engine positioned below the compressor so as the **weight** of the compressor transfers through the support bearing to the internal combustion.

Nevertheless, Brunelli teaches that relative position as an alternative arrangement.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Brunelli wherein the weight of the utilitarian device

Art Unit: 3747

is transferred through the support bearing to the internal combustion engine. The motivation to do so would have been ease of coupling the compressor to the engine.

With regard to claim 2, the utilitarian device comprises an apparatus connected to the drive connector, wherein the apparatus is selected from the group consisting of an air blower, an air compressor, a pump, a chipper-shredder, a power washer, a vacuum, a chemical sprayer, and an electrical generator.

With regard to claim 3, wherein, after modification, substantially all the weight of the utilitarian device will be transferred through the support bearing to the internal combustion engine.

With regard to claim 4, further comprising an engine coupling attached to the crankshaft and engaging the support bearing, the engine coupling having an aperture into which the drive connector is received.

With regard to claim 5, the invention further comprising flywheel (not shown, but conventional) attached to the crankshaft and having an engine coupling mounted thereon and removably engaged by the support bearing and by the drive connector. 6.

With regard to claim 6, wherein the internal combustion engine further comprises an engine coupling attached to the crankshaft and having an aperture; and the drive connector of the utilitarian device comprises a shaft which is received in the aperture.

With regard to claim 6, wherein the aperture of the engine coupling has a non-circular cross section; and the shaft of the drive connector has a cross section, which mates with the non-circular cross section of the engine coupling is an alternative design choice

Art Unit: 3747

that would have been an obvious matter of design choice to a person of ordinary skill in the art because applicant has not disclosed that doing so provides an advantage, is used for a particular purpose, or solves a stated problem.

With regard to claim 8, wherein the shaft of the drive connector (115) has splines, and the aperture of the engine coupling has grooves within which the splines are received, see figures 1-6

With regard to claims 9-19, see comparable claim rejections above.

Response to Arguments

3. Applicant's arguments filed on 5/16/05 have been fully considered but they are not persuasive.

Applicant argued that the bearing is not fixedly connected to one of the body or the vertical crankshaft. However, Brunelli teaches that the offset plate 125 that includes palate 135 may replace the crankshaft 110, paragraph [0021]. Further, bearing around a crankshaft is well known in the art and would not alone qualify as a novelty.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3747

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 571-272-4841. The examiner can normally be reached on Tuesday-Friday between 7 a.m. -3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571-272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG


MAHMOUD GIMIE
PRIMARY EXAMINER